

JAP:TRS

M07-0718

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

AFFIDAVIT IN SUPPORT OF
ARREST WARRANT

- against -

(18 U.S.C. §1204(a))

HUONG THI KIM LY,

Defendant.

- - - - - X

EASTERN DISTRICT OF NEW YORK, SS:

Timothy Wittman, being duly sworn, deposes and says that he is a Special Agent with the Federal Bureau of Investigation, duly appointed according to law and acting as such.

Upon information and belief, on or about and between November 20, 2005 and the present, within the Eastern District of New York and elsewhere, the defendant HUONG THI KIM LY did knowingly and intentionally remove a child from the United States and did retain that child outside of the United States, with the intent to obstruct the lawful exercise of parental rights of another.

(Title 18, United States Code, Section 1204(a))

The source of your deponent's information and the grounds for his belief are as follows:¹

1. I am a Special Agent of the Federal Bureau of Investigation (FBI) and have been so employed for approximately eight years. The information set forth herein is based on an investigation conducted by myself and other special agents of the FBI, as well as the review of records and other evidence as set forth more fully below.

2. During the course of my investigation, I have interviewed Tony Lam, an American citizen. Based upon my interview of Mr. Lam and the review of certain documents, I have learned that he is the father of one child named Princess Lam, who was born in the United States, during Mr. Lam's marriage to the defendant HUONG THI KIM LY, who is a citizen of Vietnam.

3. Based on my review of United States Department of State records, I have learned that the child is a United States citizen and is currently 5 years old.

4. Mr. Lam has advised me that he and the defendant HUONG THI KIM LY met in Vietnam. The defendant HUONG THI KIM LY moved to the United States to live with Mr. Lam in or about January 2001 and received permanent alien status. Both Mr. Lam and the

¹ Because this affidavit is submitted only to illustrate that probable cause exists to believe that the defendant committed certain crimes, all the facts known to me as a result of my investigation have not been included.

defendant lived in New York, NY until approximately November 2005 with their child, Princess Lam.


5. In or about October 2005, Mr. Lam traveled to Vietnam for business, and had left the defendant and their child in the United States. On or about November 22, 2005, Mr. Lam observed the defendant HUONG THI KIM LY and Princess Lam in Vietnam, and the defendant stated to Mr. Lam in substance that she and their child would not be returning to the United States and that he should send money to them or he will never see their child again.

6. I have reviewed a travel agency itinerary which indicates booking for passengers "LY/THI KIM HUONG" and "LAM/PRINCESS" for travel via China Airlines from John F. Kennedy Airport to Taipei, China on November 20, 2005, and from Taipei, China to Saigon, Vietnam on November 22, 2005. I have reviewed the records of Immigration and Customs Enforcement and have confirmed that the child, Princess Lam, traveled out of John F. Kennedy Airport in Queens, New York to Taipei, China on November 20, 2005.

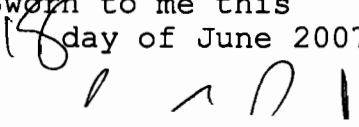
7. I have reviewed a certified copy of a New York County Family Court Temporary Order of Custody dated February 15, 2007, in the case captioned Tony Lam against HUONG THI KIM LY, Docket No. V-07740-06. Pursuant to that order, Mr. Lam was granted sole custody of the child and the defendant HUONG THI KIM LY was ordered to return the child to the jurisdiction of the State of New York.

8. Since November 2005, the defendant HUONG THI KIM LY has restricted Mr. Lam's access to their child. The defendant HUONG THI KIM LY has told Mr. Lam not to report her to the authorities or else he will never see their child again.

WHEREFORE, your deponent respectfully requests that an arrest warrant be issued for the defendant HUONG THI KIM LY so that she may be dealt with according to law.



Timothy Wittman
Special Agent
Federal Bureau of Investigation

Sworn to me this
18 day of June 2007


UN:
EA:

FE JUDGE
W YORK
